

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

SALVATORE ROMANO, *pro se*,
Plaintiff

v.

PATRICIA A. COYNE-FAGUE, in her individual
capacity and official capacity as Director of the Rhode
Island Department of Corrections; **ET AL.**,
Defendants

C.A. No. 1:19-cv-00370-WES-LDA

**SECOND MOTION FOR ENLARGEMENT OF TIME
TO ACCEPT OR DECLINE SERVICE**

NOW COMES Defendant, the State of Rhode Island (the “State”) and hereby moves for an enlargement of time to accept or decline service of the Amended Complaint (ECF 21), filed by Plaintiff Salvatore Romano (“Plaintiff” or “Romano”). As grounds thereof, the State asserts as follows:

1. On March 30, 2021, the Court ordered the Amended Complaint to be served, pursuant to the Agreement on Service between the U.S. District Court for the District of Rhode Island and the Rhode Island Attorney General. See March 30, 2021 Text Order. The Court further ordered the Attorney General to file a “Notice of Acceptance of Service or a Notice of Declination of Service or both if necessary on behalf of the defendant(s) named in the complaint.” See March 30, 2021 Text Order. See id.
2. On April 28, 2021, the State filed a motion for enlargement of time to accept or decline service by thirty (30) days. See ECF 26.
3. On May 27, 2021, the Court entered a Text Order granting the State’s Motion and extended the time for the State to accept or decline service.

4. The Amended Complaint names as defendants, approximately forty-three (43) current and former Rhode Island officials, officers, and employees in their individual and official capacities, from the Office of the Governor, Office of the Attorney General, the Department of Corrections, and Rhode Island State Police.¹ See ECF 21.
5. The Amended Complaint is comprised of 124 handwritten paragraphs, many of which are illegible and difficult to discern, and provides incomplete or partial names for a number of the defendants that Romano attempts to name. See id.
6. Given the significant number of defendants named and the incomplete information provided in the Amended Complaint with respect to many of the names, an enlargement of time is necessary for counsel to attempt to identify and contact State Defendants, spanning multiple State offices and agencies.
7. Moreover, many of the defendants named in the Amended Complaint have retired from State service and several have relocated out of state.
8. An enlargement of time is additionally necessary for counsel to attempt to notify each State Defendant named and obtain written representation requests, pursuant to R.I. Gen. Laws § 9-31-8.
9. An enlargement of time is further necessary to determine for each State Defendant, whether to accept or decline service, pursuant to R.I. Gen. Laws §§ 42-9-6 and 9-31-1, *et seq.* and the Agreement on Service between the U.S. District Court for the District of Rhode Island and the Rhode Island Attorney General.

¹ Romano also names five (5) inmates at the Adult Correctional Institute. See ECF 21.

10. The undersigned counsel asserts that an enlargement of time is in the interests of judicial economy and is necessary because of professional obligations in other matters pending in federal and state courts.

11. This is the State's Second Request for an enlargement of time.

WHEREFORE, the State respectfully request that this Honorable Court grant its Motion and enlarge the time to file a Notice of Acceptance of Service or a Notice of Declination of Service by Ten (10) days.

Respectfully Submitted,

STATE OF RHODE ISLAND,
By:

PETER F. NERONHA
ATTORNEY GENERAL

/s/ Justin J. Sullivan
Justin J. Sullivan (#9770)
Special Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
150 South Main St. Providence, RI 02903
Tel: (401) 274-4400 | Ext. 2007
Fax (401) 222-2995
jjsullivan@riag.ri.gov

CERTIFICATE OF SERVICE

I hereby certify that on Friday, May 28, 2021 I filed the within document via the ECF filing system and that a copy is available for viewing and downloading. I further certify that on Friday, May 28, 2021 I mailed a true and accurate copy of the within document via U.S. First Class mail, postage prepaid, to the following:

Salvatore Romano (state prisoner #70936)
Adult Correctional Institute
P.O. Box 8249
Cranston, RI 02920

/s/Justin J. Sullivan